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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

8 JAMES D. GRIEPSMA,

9 Plaintiff,

10 v.

11 CHRISTIAN J. ANDERSON, *et al.*,

12 Defendants.

Case No. C19-181 RSM

ORDER ADOPTING REPORT AND  
RECOMMENDATION AND  
DISMISSING DEFENDANTS FROM  
CIVIL RIGHTS ACTION

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14 This matter comes before the Court on the Report and Recommendation (“R&R”) of the  
15 Honorable Michelle L. Peterson, United States Magistrate Judge. Dkt. #13. The R&R  
16 recommends dismissing without prejudice Plaintiff James D. Griepsma’s claims as to twenty-three  
17 of the twenty-five named Defendants for failure to state a claim upon which relief may be granted.  
18 The R&R also recommends that Plaintiff be permitted to proceed with respect to the two remaining  
19 Defendants, Dr. Julia A. Barnett and Ms. Miriam Dominique Kastle. After considering Plaintiff’s  
20 Objections (Dkt. #19), the Court agrees with Judge Peterson that the claims against twenty-three  
21 of the defendants—as identified in the R&R and set forth below—should be dismissed without  
22 prejudice under 28 U.S.C. § 1915(e)(2)(B).  
23

ORDER DISMISSING DEFENDANTS  
FROM CIVIL RIGHTS ACTION - 1

1 In his Objections, Plaintiff asserts that he has produced overwhelming evidence to the Court in  
2 support of his claims. *Id.* at 2-3. However, there is an important distinction between what evidence a  
3 plaintiff produces and whether that evidence supports the specific claim he seeks to prove. Here,  
4 Plaintiff has brought a claim under 42 U.S.C. § 1983 alleging violations of his civil rights. The Court  
5 agrees with Judge Peterson that the facts alleged against twenty-three of the defendants do not give  
6 rise to a legal claim under Section 1983—regardless of the evidence produced. This includes claims  
7 barred under the doctrine *res judicata* given Plaintiff's previous action before this Court in *Griepsma*  
8 *v. Wend, et al.*, 16-1843-JLR.

9 Furthermore, given this Court's dismissal of Plaintiff's claims against Sgt. Christian J.  
10 Anderson, Plaintiff's motion to correct the spelling of Mr. Anderson's name (Dkt. #20) is now moot.

### 11 CONCLUSION

12 Having reviewed Plaintiff's amended complaint, the Report and Recommendation of the  
13 Honorable Michelle L. Peterson, United States Magistrate Judge, Plaintiff's objections thereto,  
14 and the remaining record, the Court hereby finds and ORDERS as follows:

15 (1) The Report and Recommendation is approved and adopted.

16 (2) Plaintiff's amended complaint and this action are DISMISSED, without prejudice,  
17 as to Defendants Deputy Vaughn LaQuet, Deputy Elias Salinas, Deputy Brianna Rogers, Sgt.  
18 Aaron McIntosh, Sgt. Paulie Storie, Deputy Richard Eichman, Counselor Harold P. Archibald,  
19 Billy Heinsohn, Sgt. Aaron Roos, Sgt. Myish Opelencia, ARNP Sue Baerg, PAC Jacob Grillo,  
20 Sgt. Lecia Kelley, Arben Kullojka, Sheriff Reichandt, Sgt. Christian J. Anderson, John  
21 Campbell, Superintendent Michael Obenland, Superintendent Jack Warner, Sloan G. Johnson,  
22 Adam J. Yanasak, Deputy E. Hernandez, and Brandi Blair, for failure of Plaintiff to state any  
23 claim upon which relief may be granted under 42 U.S.C. § 1983.

ORDER DISMISSING DEFENDANTS  
FROM CIVIL RIGHTS ACTION - 2

1 (2) Judge Peterson shall issue a service order directing service of Plaintiff's amended  
2 complaint (Dkt. #12) on Defendants Dr. Julia A. Barnett and Miriam Dominique Kastle.

3 (3) Plaintiff's Motion to Correct Misspelling (Dkt. #20) is DENIED as moot.

4 (4) The Clerk is directed to send copies of this Order to Plaintiff and Judge Michelle  
5 L. Peterson.

6 DATED this 1<sup>st</sup> day of August 2019.

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9 RICARDO S. MARTINEZ  
CHIEF UNITED STATES DISTRICT JUDGE